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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,017	12/15/2003	Linda Marie Demetrius		4168

7590

01/19/2006

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EXAMINER

LOWEN, ALYSSA

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Thta

Office Action Summary	Application No. 10/736,017	Applicant(s) DEMETRIUS, LINDA MARIE	
	Examiner Alyssa M. Lowen	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plastic rod shaped with hooks on both ends, the pipe cleaners and polyester fill must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Multiple spelling and grammatical errors. Appropriate correction is required.

Claim Rejections - 35 USC §112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The method of making the pipe cleaner and plastic skeleton is not clearly described because it is not known how the hook shape is to be covered with fabric, how the polyester and metal pipe cleaners are to be twisted to form the hand, arm, fingers and straight stick sections and how to combine these sections with the plastic rod.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a

manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

7. Claim 2 recites the limitation "the first region" in part c. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

8. Claim 2 is objected to because of the following informalities: The word "metal" is misspelled in sections i and l of the claim. The word "fold" in section n should be changed to "folded". Appropriate correction is required.

1. Claim 3 is objected to because of the following informalities: The preamble, "Assembly doll parts" is not proper. A preamble should comprise a general description of all the elements or steps of the claimed combination that are conventional or known. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (2483325), De Grasse (1422840) and Morris (20010046828). Sanders discloses a posable stuffed cloth doll having front and rear pieces of fabric outlining the shape of a head with body, ears, arms with fingers and legs with toes (Figs. 1 & 2). De Grasse discloses an internal skeleton for a doll using wire and tubes for the arm and leg

sections as well as a rod with hooks on both ends for the head and torso sections (Fig. 1). Morris discloses a soft doll with a compartment or pocket (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of invention from the teachings of De Grasse and Morris to modify the stuffed cloth doll of Sanders to have an internal skeleton and a pocket in order so the doll can take and hold positions similar to that of a human being and to have a place to store accessories and clothing associated with the doll, respectively. Regarding the different materials such as pipe cleaners, polyester fill and plastic the examiner notes that mere selection of known materials as recited in claim 1, on the basis of suitability for the intended use would be entirely obvious. See *in re Leshin*, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious to one of ordinary skill in the art to provide the above references with the materials recited in claim 1 in order to use known materials suitable for the intended use. The above references disclose the basic inventive concept, substantially as claimed, with the exception of gold craft cord fused to the doll's finger. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to add chord to the finger of the doll because Applicant has not disclosed that the chord provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well without chord fused to the doll's finger because it is merely a decorative feature. Therefore, it would have been an obvious matter of design choice to modify the above references to obtain the invention as specified in the claim. With regard to claims 2 and 3 as

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understood, the references disclose front and rear pieces of fabric outlining the head, shoulders, body, hands, arms, fingers, legs, toes, as well as attached hair and fabric for ears

10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders, Morris, De Grasse and Houghton (2109422). Sanders discloses the basic inventive concept of a cloth doll stuffed and sewn together from fabric shaped to form the head, shoulders, body, hands, arms, fingers, legs and toes (Fig. 1). Morris discloses a doll with a pocket in the midsection of its body (Fig. 2) showing this feature to be old in the stuffed toy art. It would have been obvious to one of ordinary skill in the art from the teaching of Morris to have a stuffed doll with a pocket in order to store articles associated with the doll. De Grasse discloses the flexible wire internal skeleton for a doll having rod with a hook at both ends with attached arm, hand and straight stick leg components (Fig. 1), substantially as claimed with the exception of the wire in the hands being shaped to look like fingers. However, Houghton shows finger portions of an internal skeleton to be old in the art. It would have been obvious to one of ordinary skill in the art from the teaching of Houghton to give the internal skeleton of De Grasse finger components in order to make the fingers movable. It would also have been obvious to one of ordinary skill in the art from the teaching of De Grasse in combination with Houghton to give the device of Sanders a movable internal skeleton so that the doll can take and hold positions similar to that of a human being. The following features such as the hair being yarn, the eyes, nose and mouth being cut from felt and fused to the doll, a stud fused with fusible adhesive to the ears, the rod being plastic and

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covered with fabric, rectangular fabric being folded and sewn to form a pocket, leg and arm sections being fused to the rod and the craft cord attached to the doll's finger would all be obvious to one of ordinary skill in the doll making art. Since the doll is hand made it would have been obvious to one of ordinary skill that the construction process would include cutting, gluing, sewing in order to attach the various features of the doll.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyssa M. Lowen whose telephone number is 571-272-2684. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**EUGENE KIM
SUPERVISORY PATENT EXAMINER**

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